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Report of the Special Rapporteur on the human rights of internally displaced persons

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary. It provides a review of the progress achieved, the ongoing challenges and the necessary actions to be taken by all stakeholders in the implementation of the Guiding Principles on Internal Displacement, in the context of their twentieth anniversary.

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I. Introduction

1. The report of the Special Rapporteur on the human rights of internally displaced persons is submitted in accordance with Human Rights Council resolution 32/11. The report provides an overview of the activities undertaken by the mandate holder since her previous report to the Human Rights Council in June 2017 (A/HRC/35/27). In addition, and recalling the fact that 2018 marks the twentieth anniversary of the Guiding Principles on Internal Displacement, the Special Rapporteur has dedicated the present report to a consideration of the progress achieved, the ongoing challenges and the necessary actions to be taken by States, regional actors, the United Nations and the international community to better implement the provisions of the Guiding Principles in practice.

II. Activities of the Special Rapporteur

2. In its resolution 32/11, the Human Rights Council mandated the Special Rapporteur to address internal displacement, in particular by mainstreaming the human rights of internally displaced persons into all relevant parts of the United Nations system; working towards strengthening the international response to internal displacement; engaging in coordinated international advocacy and action to improve protection of and respect for the human rights of such persons; and continuing and enhancing dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors.

3. The Special Rapporteur has continued to support the mainstreaming of the human rights of internally displaced persons within the United Nations system and the wider humanitarian community. Her participation in the Inter-Agency Standing Committee at the level of Principal is proving essential in that regard, as it helps to ensure and enhance collaborative approaches and strong links with key United Nations agencies, other international organizations and civil society. In that regard, the Special Rapporteur took part in the Principals meetings of the Committee in October 2017 and will do so in May 2018 as well.

4. The Special Rapporteur co-hosted, with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Institute of Humanitarian Law, the thirteenth course on the law of internal displacement, held in October 2017 in San Remo, Italy. The course continues to be an excellent opportunity to bring together government authorities involved in the protection of internally displaced persons and the Special Rapporteur intends to continue it as the flagship course of the mandate.

5. The Special Rapporteur also organized jointly with Swisspeace and the University of Basel, an expert workshop on transitional justice and internal displacement in December 2017, which brought together scholars and practitioners working on internal displacement and transitional justice. Participants discussed the current state of knowledge and identified lessons learned, best practices and recommendations for improving policies and practices in this field. It served as a platform for dialogue between the expert participants and the Special Rapporteur, who has identified promoting the inclusion of internally displaced persons in transitional justice processes as a core priority of her work. The findings from the workshop will directly inform a thematic report on that topic to be presented to the General Assembly in October 2018.

6. The Special Rapporteur also strengthened the engagement of her mandate with national human rights institutions by attending the annual conference of the Global Alliance of National Human Rights Institutions in February 2018, during which she organized a side event examining the work of national human rights institutions with the Guiding Principles and proposed that the scope of that work be expanded. In addition, a consultative workshop was co-convened with UNHCR, the Global Alliance and the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 20 February 2018, to which selected national human rights institutions were invited to exchange views and ideas on their existing and potential roles in addressing internal displacement. The Special Rapporteur also sent a questionnaire to all national human rights institutions to map their ongoing work

on internal displacement and identify good practices and opportunities. She sincerely thanks those that responded and will study the information provided to inform her future work and her annual report to the Human Rights Council in 2019, which will be dedicated to the role of national human rights institutions in promoting and protecting the human rights of internally displaced persons. Continuing her engagement with national human rights institutions, during the biannual conference of the Asia Pacific Forum of National Human Rights Institutions held in Bangkok in November 2017, the Special Rapporteur facilitated a session on the impact of conflict on internally displaced persons and refugees and the role of national human rights institutions. In September 2017, she was a panel speaker at a meeting of the South-East Asia national human rights institutions held in the Philippines and in August 2017, she was a keynote speaker at a national conference on internal displacement organized by the National Commission on Human Rights of Mexico.

7. The Rapporteur further continued her engagement with supporting States and other relevant stakeholders so as to include internally displaced persons in the broader discussions on migration and in particular the negotiations on the global compact for safe, orderly and regular migration. She sent out an open letter in March 2018 on the inclusion of internally displaced persons in the global compact, in line with the New York Declaration for Refugees and Migrants. The letter aimed to support Member States to reflect on effective strategies while negotiating and implementing the global compact, in order to ensure adequate protection and assistance for internally displaced persons and to prevent and reduce such displacement in line with the Guiding Principles.

8. The Special Rapporteur led an inter-agency project entitled "Informing responses to support durable solutions for internally displaced persons", which aimed to measure progress towards durable solutions in internal displacement contexts. The project was implemented by the Joint IDP Profiling Service in collaboration with a broad group of development, humanitarian and peacebuilding actors. This initiative was aimed at operationalizing the Inter-Agency Standing Committee framework on durable solutions for internally displaced persons by developing a set of agreed-upon indicators, tools, methodologies and guidance for comprehensive yet practical approaches to durable solutions in displacement situations.[1] In April 2018, the mandate and the Joint IDP Profiling Service launched the outputs of the project, which stakeholders are encouraged to use. The Special Rapporteur has also been an active member of the Expert Group on Refugee and Internally Displaced Persons Statistics, contributing to the technical report on internally displaced persons statistics, which was adopted by the United Nations Statistical Commission at its forty-ninth session in March 2018.

9. The Special Rapporteur also continued to chair the Global Protection Cluster task team on law and policy, supporting capacity-building and providing technical advice to States that are in the process of developing such normative instruments.

10. The Special Rapporteur took part in a number of international and regional conferences and events, including a session of the Parliamentary Assembly of the Council of Europe in Strasbourg; a seminar on the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention) organized by the International Committee of the Red Cross (ICRC) in Nairobi; a regional round table on the domestication of the Kampala Convention co-hosted by the Government of Malawi and ICRC in Lilongwe; a conference on the gender dimensions of internal displacement organized by the Chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in Vienna; and a summit of the Association of Southeast Asian Nations (ASEAN) on Security Council resolution 1325 (2000) on women and peace and security and on women and internally displaced persons in Manila. The Special Rapporteur also continued to participate as speaker and facilitator at events related to relevant policy research and studies. They included the annual meeting of the Refugee Law Initiative in London; an expert seminar on gender and special procedures on economic, social and cultural rights held at the Geneva Academy of International Humanitarian Law and Human Rights; a conference on the role of national human rights institutions in protecting human rights in

[1] See the durable solutions indicator library, available from http://inform-durablesolutions-idp.org/.

South-East Asia organized by the Asia Centre in Bangkok; an ASEAN conference on the prevention of violent extremism in Manila; an ICRC conference on armed conflict in urban settings in Geneva; and a panel of the Geneva Academy on gang violence, also in Geneva.

Country visits conducted by the Special Rapporteur

11. In accordance with her mandate, the Special Rapporteur has consistently engaged with States and has sought a constructive and transparent dialogue with them. She thanks the many States that she has engaged with or visited for their cooperation. Since her previous report to the Human Rights Council, the Special Rapporteur has conducted official visits to the following countries: El Salvador (from 14 to 18 August, 2017, see A/HRC/38/39/Add.1); Libya (from 25 to 31 January 2018, see A/HRC/38/39/Add.2) and Niger (from 19 to 24 March 2018, see A/HRC/38/39/Add.3).

12. In addition, the Special Rapporteur also undertook working visits to Guatemala (19–22 August 2017), Mexico (23–25 August 2017), Honduras (25–28 October 2017) and Colombia (26 February–1 March 2018). In particular, the visit to Honduras was linked to the Special Rapporteur's participation in a regional conference on the Comprehensive Regional Protection and Solutions Framework in San Pedro Sula, as a follow-up to the New York Declaration for Refugees and Migrants, looking at the integration of internal displacement issues into that process. In addition, she held meetings with relevant stakeholders to look at the progress made on the recommendations resulting from the previous official mission of the mandate holder to Honduras in 2015. Regarding her visit to Colombia, the Special Rapporteur was part of a special procedures delegation taking part in the 167th session of the Inter-American Commission on Human Rights. She took part in several events, most importantly a public hearing on internal displacement in the Americas.

III. Twentieth anniversary of the Guiding Principles on Internal Displacement: an agenda for strategic and joint action

13. The Guiding Principles on Internal Displacement, presented to the Commission on Human Rights in 1998, constitute the key international standard on internal displacement worldwide. They provide a definition of an internally displaced person and set out their rights to be protected and assisted before and during displacement and in their search for durable solutions following displacement. They give national authorities the primary responsibility for protecting internally displaced persons and clarify key principles relating to humanitarian assistance by international and non-governmental bodies. The Guiding Principles are highly authoritative, as they restate the rights of internally displaced persons, as enshrined in international human rights and humanitarian law, and have been recognized as an important framework for the protection of and assistance to internally displaced persons. The recognition afforded by Heads of State and Government in the 2005 World Summit outcome (General Assembly resolution 60/1) was subsequently confirmed by the General Assembly on various occasions.

14. In 2018 the twentieth anniversary of the Guiding Principles will be marked. That is an occasion to raise awareness of this global standard and of the plight of internally displaced persons and to reflect on both the positive progress made and the challenges that remain and are emerging. The anniversary is also a unique opportunity to forge a stronger commitment for more strategic, concrete and joined-up action in order to more robustly and effectively prevent internal displacement, enhance protection for internally displaced persons and support durable solutions for them.

15. The Special Rapporteur consulted numerous partners at the national, regional and international levels to seek their views, in particular on what needs to be done to further promote implementation of the Guiding Principles. Her consultations with partners resulted in expressions of interest to work more strategically and collaboratively on the phenomenon of internal displacement in 2018 and beyond. It was therefore agreed that a "GP20" plan of action would be developed in order to galvanize and support multi-stakeholder action around the overarching goal of reducing internal displacement in line with the Guiding

Principles — that is to say, from prevention through to the achievement of durable solutions for internally displaced persons. That reflects the goal set by the Secretary-General in his Agenda for Humanity and is also in line with important State-endorsed agendas and frameworks, such as the 2030 Sustainable Development Agenda.

16. In line with the focus of the plan of action at the national level and her own priorities, the Special Rapporteur has encouraged all stakeholders (Governments, United Nations agencies, international organizations, civil society and internally displaced persons themselves) to organize and develop activities to mark the anniversary that are not "one-off" events but that seek to promote new or ongoing initiatives, contributing to prevention, protection and solutions for internally displaced persons, particularly in relation to facilitating and strengthening the participation of internally displaced persons in processes that affect them; promoting the development and implementation of laws and policies on internal displacement; producing quality data and analysis on internal displacement situations; and finally addressing protracted internal displacement and supporting durable solutions for internally displaced persons.

17. In his foreword to the first edition of the Guiding Principles in 1998, the then Under-Secretary-General for Humanitarian Affairs stated that "the humanitarian community is increasingly aware of the crisis of internal displacement which affects over 20 million people worldwide". In his foreword to the second edition in 2004, the then Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator stated that "over twenty five million people, in some fifty countries around the world, have been uprooted within their country by conflicts and human rights violations". As the twentieth anniversary of the Guiding Principles is marked in 2018, it is telling and concerning that the number of displaced persons has risen inexorably to over 40 million people living in internal displacement as a result of conflict and violence.[2]

18. That number has nearly doubled since 2000 and annual increases to the global displacement total have been in the millions, with some 6.9 million new internal displacements owing to conflict and violence in 2016 alone. In addition, some 24.2 million new displacements were caused by natural disasters in the same year. An increasing number are locked into situations of protracted displacement, sometimes for years or even decades. In 2014, more than 50 countries were reported to have people living within their borders in protracted internal displacement for over 10 years. Those figures do not include the millions worldwide estimated to be internally displaced by other causes, such as national development projects. Given the number of ongoing conflicts without political solutions and the continuing and increasing adverse effects of climate change, internal displacement on this scale will be difficult to reverse.

19. Despite the critical progress made on enhancing protection and mobilizing a coordinated and coherent response to internal displacement over the last 20 years, the upward trend since the drafting of the Guiding Principles is disheartening. The Special Rapporteur is clear that States and the international community must re-examine the causes of this dramatic increase and do better to prevent them, first and foremost by using all diplomatic means to prevent and resolve conflicts. In 2018, it is clear that the world is facing a massive and neglected crisis of internal displacement and that addressing it must remain one of the highest priorities, not only for affected States but for the international community as well. Protection of the human rights of internally displaced persons must be strengthened as lives, dignity and security are endangered and precariousness and abnormality of life prevail among them.

20. Work is still required to build on elements of the Guiding Principles that have been somewhat neglected. For example, they are clear on the prohibition of arbitrary displacement in cases of large-scale development projects, which are not justified by compelling and overriding public interest. In reality, displacement caused by development projects affects millions annually and the protection of those internally displaced often falls short of the standards required. Further understanding of those issues is required to ensure

[2] Based on figures provided by the Internal Displacement Monitoring Centre. "New displacements" may include individuals who have been displaced more than once.

that those at risk of displacement and those already displaced by development are protected in conformity with the Guiding Principles and other human rights law and standards.

21. Equally, the Guiding Principles state that internally displaced persons may be forced to flee their homes as a result of generalized violence and violations of human rights. In some settings, there has been a reluctance to recognize such situations, frequently characterized by dispersed individual or family displacements rather than mass movements. The Guiding Principles recognize such persons as internally displaced and provide an essential advocacy tool to encourage States to do the same. They have been instrumental in such countries as Honduras, where gang-related violence has displaced tens of thousands as a result of violence or the threat of violence, which has now been officially recognized. Further progress is required in numerous other countries to ensure recognition and the possibility for internally displaced persons to claim and enjoy their rights.

22. No country is immune from internal displacement and all can be affected by it, either directly or indirectly. The Special Rapporteur urges that internally displaced persons, who are frequently among the most vulnerable and marginalized and constitute over two thirds of the forcibly displaced globally, are not neglected. The nexus between internal displacement and cross-border movement is clear. Those who cross international borders as asylum seekers, frequently begin their perilous journeys as internally displaced persons, often fleeing conflict or violence. Too often they fail to find the protection, security, assistance, livelihoods or durable solutions in their countries of origin that would enable them to remain.

23. Consequently, it is imperative that internal displacement be understood, not only in terms of a particular challenge facing a few States afflicted by conflict, violence or disaster, or as an issue solely of the internal affairs of States, but as a regional and ultimately a global issue that has implications for many countries. If the issue is to be resolved and States helped to meet the challenge of reducing internal displacement, States affected by internal displacement must improve their responses, be open to assistance and engage constructively with those who are well placed to provide the necessary technical, policy and practical guidance.

24. The present report considers the necessary steps that should be taken by States, regional bodies, the international community and other stakeholders to achieve the maximum possible outcomes for the Guiding Principles in improving responses to displacement, protecting internally displaced persons and reducing internal displacement through the achievement of durable solutions.

Experience of internal displacement

25. The Guiding Principles have helped to put internally displaced persons on humanitarian, development and human rights agendas, identifying them as among the most vulnerable persons globally. The Guiding Principles have clearly established that, having faced extraordinary circumstances, resulting in them having to flee their homes while remaining in their own countries, internally displaced persons constitute a special category of those who require assistance to rebuild their lives and regain their dignity. That sets them apart from other urban or rural poor and the Guiding Principles restate their rights in the context of the numerous additional challenges that they face as a result of internal displacement. They have helped to forge an understanding that internally displaced persons should be protected and receive assistance and durable solutions, not as charity but as their human right.

26. The Guiding Principles provide the basis for a human rights-based approach to internal displacement. That is essential to shifting the discourse from one of national sovereignty and internal policy to one of international human rights law obligations, for which States can and should be held accountable. Emphasizing that the treatment of internally displaced persons is rooted in the normative framework of human rights and humanitarian law is vitally important. It helps the United Nations and the international community to assist States, while also allowing them to be critical of States, where

necessary, when they fail in their human rights obligations towards internally displaced persons.

27. In this twentieth anniversary year, it is important to look beyond the statistics to elaborate on the actual lived experiences of those who experience internal displacement. Each number constitutes the life of an individual. Without exception, the experience of internal displacement is traumatic, life-changing and frequently life-threatening, and accompanied by multiple challenges. Each person displaced has lost access not only to the home that offered shelter from the elements, but also security, dignity, cherished possessions, livelihoods, memories and a sense of belonging and community.

28. For children suffering internal displacement and the violence and human rights violations often associated with it, the experience is particularly traumatic and confusing, often leading to long-lasting psychosocial issues and difficulties that commonly go untreated. Deprived of education, stability and routine often for months or years, it is no exaggeration to speak of a lost generation of young people in some displacement situations. Too often, displaced women and girls experience the further atrocity of sexual violence or rape, exploitation or the threat of violence, sometimes even from those who should be protecting them. There is increasing evidence that sexual violence against men and boys during crises may also be far more widespread than was previously understood.[3] While the physical wounds may heal, the psychological and social impacts of displacement and violence are often deep and require far greater attention.

29. Within the statistics, a multitude of challenges and vulnerabilities exist. For older persons with strong ties to their homes and weaker coping mechanisms than the young, the experience can be shocking and disorientating, as they find themselves in unfamiliar surroundings. For those with disabilities, the experience brings immense new problems, sometimes relating to their mobility or their ability to access basic assistance and services, including food and the specialist health care or support they need. For those who may face discrimination in daily life generally, such as minorities, indigenous peoples, or members of the lesbian, gay, bisexual, transgender and intersex communities, displacement can exacerbate the challenges and threats that they face and they may find themselves targeted, marginalized or excluded from assistance.

30. Internally displaced persons frequently lose access to their livelihoods and must begin again or acquire new skills. They often lose or are deprived of essential documents that may restrict their access to assistance, services or opportunities. In some circumstances they may fear contact with or lack trust in the authorities who have the responsibility to assist them and prefer to seek anonymity. With incomes gone and resources quickly dwindling, they may be reliant on humanitarian assistance or the generosity of host families or communities or fall into negative coping strategies. Some join migrant routes or leave to seek asylum. The impact of internal displacement can rapidly be felt by wider communities, including those hosting internally displaced persons, who may also require assistance.

31. In 2018, the reality is that millions of internally displaced persons have been left entirely to fend for themselves, often within hostile urban environments and frequently with little or no knowledge of their rights or the expectation of assistance. Too often the support required by these highly vulnerable individuals, families or communities, whose lives have been devastated by internal displacement, is simply inadequate or absent altogether. In other scenarios, the necessary support and humanitarian assistance are available; however, over time, rather than supporting a process of recovery towards durable solutions, they do not adequately adapt and evolve beyond the emergency assistance phase and leave internally displaced persons trapped in a cycle of aid dependency.

32. Each year throws up new internal displacement situations, sometimes for authorities who have not experienced displacement before, either as a result of conflict, climate change, slow- or rapid-onset disasters, or other unexpected events. Recent experience of the mandate has demonstrated the ongoing importance of the Guiding Principles, which

[3] See UNHCR, "We keep it in our heart. Sexual violence against men and boys in the Syria crisis" (October 2017), available from http://bit.ly/2ixGr1y.

provide a vital framework and guidance for responses. During visits undertaken by the mandate to Honduras, northern Nigeria and Ukraine, for example, the authorities noted that they had no experience of addressing internal displacement and relied heavily on support from the international community. The Guiding Principles provided an immediate authoritative basis for context-specific responses to be quickly developed.

33. It is also true that within internally displaced populations there exists great resilience, resourcefulness, capacity and potential, the strength and determination to survive and to recover. That has been demonstrated even in the most difficult circumstances and situations of ongoing conflict, including in Iraq and the Syrian Arab Republic. Such elements should not be taken for granted, but can and should be better harnessed and utilized in support of the recovery of internally displaced persons. The Guiding Principles recognize that capacity and urge that they be recognized as participants and partners in their own recovery and not simply as beneficiaries.

IV. National action to reduce internal displacement in line with the Guiding Principles on Internal Displacement

A. Incorporating the Guiding Principles into national law and policy

34. For the Guiding Principles to become effective at the national level, it is essential for them to be adopted into national law and policy frameworks. Despite important progress, the majority of States coping with large-scale displacement still do not have national internal displacement laws or policies and many of those displaced are unaware of their rights. The situation is improving, as documented by the Global Protection Cluster task team on law and policy, co-chaired by the Special Rapporteur and UNHCR. Authorities in several countries have already developed domestic normative standards on the protection of and assistance to internally displaced persons.[4] That demonstrates a positive global trend of national authorities increasingly expressing their commitment to implementing the Guiding Principles and other supranational instruments.

35. Over 75 countries have some form of documents or processes relevant to internal displacement, such as national laws, policies, decrees, protocols, strategies and action plans, in place or in development. The Global Protection Cluster notes that countries respond to internal displacement in a variety of ways, while a considerable number are using the Guiding Principles or the Kampala Convention as points of reference in drafting national laws and policies. Some develop legislation or implement policies that respond to existing and specific situations. National Governments have made positive strides in addressing the assistance and protection needs of internally displaced persons, but analysis reveals substantive issues and challenges in terms of law and policy that require their sustained attention.

36. States themselves have identified a significant need for technical support and expertise in law and policymaking processes on internal displacement. Even where law and/or policy exists, translating them into practice has proved a challenge. Some laws and policies fail to include detailed provisions on implementation and monitoring, or the institutional arrangements necessary for doing so. The absence of specific provisions relating to durable solutions is also a common feature. Structural problems, weak institutions, poor coordination and communication, and a lack of political will, funding and other resources, are other obstacles. In some cases the adoption of national law and policy experiences significant delays or political obstacles that can continue for years, impeding implementation of standards and meaning that little difference is made to the lives of tens of millions worldwide.

37. National laws and policy provide internally displaced persons with recourse to national law to claim their rights in domestic courts or other national forums for victims.

[4] See www.internal-displacement.org/law-and-policy.

However, existing national laws often fail to address the specific needs and vulnerabilities of internally displaced people, allocate clear responsibilities to competent authorities at the national and local level, or provide a sound basis for making adequate resources available. Recognizing that the Guiding Principles are based on and informed by international human rights law means that incorporating them into national law should be seen by Governments as a further domestic articulation of their human rights obligations and an essential component of the good governance of internal displacement.

38. The Special Rapporteur recognizes that every State and internal displacement situation is different and that there is no "one-size-fits-all" solution for responding to internal displacement. However, assisting States to develop national law and policy is an effective way for the international community, the United Nations and other appropriate stakeholders, including the Special Rapporteur, to provide practical assistance to States in shaping their own national laws and policy. In that regard, resources inspired and informed by the Guiding Principles can be helpful to States and others as they shape national law and policy.

39. Those sources include the Brookings-Bern project on internal displacement, which published a manual in 2008 aimed at providing guidance for national authorities seeking to prepare and enact domestic legislation and policies addressing internal displacement.[5] In addition, a 2013 study by the Internal Displacement Monitoring Centre and the Brookings-London School of Economics project on internal displacement furthered the practical approach to assisting States to use the Guiding Principles.[6]

40. The Guiding Principles have helped to inspire other important tools and resources, such as the 2010 Inter-Agency Standing Committee framework on durable solutions for internally displaced persons. As articulated in the Guiding Principles, internally displaced persons have a right to a durable solution and this key framework clearly elaborates on that right, the responsibilities of national authorities and the role of humanitarian and development actors to assist in the search for durable solutions. The framework elaborates at length on the substance and requirements for action. The Guiding Principles further informed the principles on housing and property restitution for refugees and displaced persons, which elaborate on this specific area of rights.

41. The Guiding Principles also informed the *Handbook for the Protection of Internally Displaced Persons*, which goes beyond law and policy measures to provide practical tools and guidance for humanitarian and development actors, including national authorities, on how to operationalize protection and provide effective protection responses in situations of armed conflict.[7] Equally, the Inter-Agency Standing Committee operational guidelines on the protection of persons in situations of natural disasters and the 2007 basic principles and guidelines on development-based evictions and displacement provide guidance on addressing the human rights implications of development-linked displacement.[8]

42. It is clear that national authorities should address issues of internal displacement as a whole and acknowledge internally displaced persons as highly vulnerable populations, requiring dedicated policy and programme responses. However, recognizing the diversity of challenges and experiences that exist within internally displaced populations, it is also necessary for national authorities to consider those issues through other and complementary human rights lenses and national obligations. They include the commitment of the State to protect the rights of the child, the rights of women, older persons, persons with disabilities and in certain cases minority or indigenous rights, as they intersect with internal displacement situations. Even where no specific internal displacement law or policy exists,

[5] *Protecting Internally Displaced Persons: a Manual for Law and Policymakers*, available at www.unhcr.org/50f955599.pdf.

[6] "National instruments on internal displacement: a guide to their development", available at www.ohchr.org/Documents/Issues/IDPersons/Law-and-policymaking_Guide-2013.pdf.

[7] Available from www.unhcr.org/protection/idps/4c2355229/handbook-protection-internally-displaced-persons.html.

[8] See www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf and www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf.

the authorities must act to protect internally displaced persons in accordance with other human rights law and international humanitarian law, as relevant.

B. Improving the evidence base and statistical resources

43. Statistics are essential to providing a strong evidence base for action in all internal displacement situations; however too often data is difficult to gather or is neglected. In recent years significant progress has been made in data gathering and analysis of internal displacement, inspired in part by greater recognition of the challenges emerging from the Guiding Principles. This has been seen not only in the quantity of data, but also the quality and range of data that is now collected and analysed. Profiling of internally displaced persons to understand not only their numbers and basic data, but also much more in-depth information about their circumstances, needs and protection issues, and their intentions and wishes, has allowed authorities and others to deliver better responses for internally displaced persons, more in tune with their expectations at all phases of displacement than was previously the case.

44. Challenges to gathering data exist in all displacement situations and particularly where displaced persons are not in camps, where internal displacement is highly dispersed and widespread, or where people are displaced multiple times. Further progress is required to assist national authorities. Among other key partners, the Joint IDP Profiling Service has supported ground-breaking initiatives alongside national authorities and United Nations partners to assist States in their efforts to quantify internal displacement and go beyond numbers to provide detailed profiling that reveals the complex dimensions of the displacement experience. It is helping to strengthen the capacity of national statistical bodies to gather data and encouraging the development and use of essential indicators on internal displacement to monitor progress towards durable solutions and ensure inclusion.

45. Recognizing the need to strengthen official statistics on internal displacement, in 2016 the United Nations Statistical Commission decided to establish an Expert Group on Refugee and Internally Displaced Persons Statistics, comprised of participants drawn from national authorities and statistical organizations as well as other technical experts (see E/CN.3/2018/16). The expert subgroup on internal displacement, led by the Joint IDP Profiling Service with the active participation of the mandate among other stakeholders, produced a technical report outlining a way forward for the development of international standards for official statistics on internally displaced persons, which will make an important contribution and help to inform national authorities and others.[9]

C. Raising awareness of human rights and the Guiding Principles

46. If the potential and promise of the Guiding Principles are to be fulfilled, it is essential to put them into the hands of the internally displaced to help them to know and claim their rights. They are frequently not aware of their rights and of the obligations of the relevant authorities to assist and protect them. As part of their obligations under international human rights law, national authorities should inform their populations of their rights and that is also true in regard to internally displaced persons. As part of the activities for the twentieth anniversary of the Guiding Principles, the Special Rapporteur urges States and other actors to undertake awareness-raising activities and information campaigns based on them and in the context of the general human rights obligations of the State.

47. The mandate of the Special Rapporteur has made the Guiding Principles available in 49 languages, including minority languages.[10] In some cases, radio programmes, theatre and illustrated books have also been developed in order to disseminate them better. The Special Rapporteur encourages national and local actors to translate them into additional languages

[9] The technical report was adopted by the Statistical Committee at its forty-ninth session in March 2018 and is available from http://bit.ly/2GyyeO8.

[10] See www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx.

according to need. In some cases, innovative communication methodologies are required or could be employed to make them accessible to a wider audience and bring them to the attention of internally displaced persons, including those who are poorly educated or illiterate and unaware of basic human rights. For example, translating the Guiding Principles into Braille would make them more accessible to blind people or the visually impaired. Empowering internally displaced persons, including women and those belonging to vulnerable groups, to know and claim their rights is an obligation of all stakeholders, but a factor which is often overlooked in the delivery of assistance and support.

D. Enhancing the role of national human rights institutions and civil society

48. Human rights violations frequently precede or trigger internal displacement and occur during or after displacement. As independent human rights bodies, national human rights institutions have a critical role to play in promoting and protecting the human rights of internally displaced persons.[11] Countries where national human rights institutions have played a prominent role in addressing internal displacement include Colombia, Kenya, Mexico, Nigeria, the Philippines, Uganda and Ukraine.

49. Over the past years, national human rights institutions have adjusted their functions to becoming more aware of the protection concerns of internally displaced persons and more operational in advocacy on their behalf. They have become active in relevant protection clusters and working groups, established institutional focal points and expanded their presence in locations requiring protection monitoring. That has allowed them to gather systematic data that can influence the actions of governmental and non-governmental actors. With enhanced operational roles, they can be key stakeholders in the development and implementation of legislation and policy.

50. Nevertheless, the role of national human rights institutions can be strengthened and the Special Rapporteur has conducted a consultative process to examine how they work with and on behalf of internally displaced persons to promote and protect their human rights, in preparation for a report to be submitted to the Human Rights Council in 2019, which will be dedicated to the topic. The objective is to encourage and assist national human rights institutions to use the Guiding Principles in their work to promote and protect the human rights of internally displaced persons.

51. Galvanizing civil society to play a role in encouraging national law and policy and implementation of the Guiding Principles is an important goal. Civil society and volunteer organizations are at the forefront of national responses to internal displacement and can be active in promoting and disseminating the Guiding Principles and other relevant information at the national and local levels, including in their interactions with internally displaced persons and in languages used by them. They can play a vital and influential role in advocating widely for the application of the Guiding Principles by national authorities and international organizations and promoting their adoption through national legislation and policy. Often with close contact with internally displaced persons, civil society organizations can support training on the Guiding Principles for staff, for the displaced themselves and for relevant authorities and partners.

V. Enhancing regional frameworks and action to support States affected by internal displacement

52. Regional human rights legal and policy frameworks on internal displacement offer the possibility of a common normative framework that builds on the Guiding Principles but recognizes and takes into account unique regional characteristics and challenges. As noted by the Global Protection Cluster, regional frameworks can capitalize on lessons learned at

[11] See, for example, "UNHCR engagement with national human rights institutions for IDP protection: stocktaking exercise" (February 2016), available from www.refworld.org/docid/571a19194.html.

the national level and elevate them to the supranational level.[12] They can provide a common reference for situations such as conflict, violence or disasters that may not be confined to a single country. If effectively implemented, they may not only be used to protect internally displaced persons in one country, but can help to create the conditions for regional stability and the fostering of collaboration. The Special Rapporteur has continued to engage with regional bodies to encourage them to develop regional frameworks and strengthen their ability to support and monitor States affected by internal displacement.

53. The Special Rapporteur highlights the example and leadership provided by the African Union of attention paid to internal displacement at the regional level, resulting in the adoption of the Kampala Convention in 2009 and its entry into force in December 2012. The Convention was inspired and informed by the Guiding Principles and as of March 2018 had been ratified by 27 African States, with 40 out of 55 having signed it. The Special Rapporteur will continue to engage closely with the African Union to benefit from its experiences relating to internal displacement, encourage ratification of the Kampala Convention by States which have not yet done so and support its implementation. The convening of the inaugural conference of States parties to the Convention in Harare in 2017 was a further important step in that regard, which resulted in the establishment of a Bureau of States parties and the adoption of an action plan to support the implementation of the Convention. In early 2018, the African Union also adopted a model law on internal displacement. The Special Rapporteur also recognizes the importance of the mandate of the Special Rapporteur on refugees, asylum seekers and internally displaced persons, established by the African Commission on Human and Peoples' Rights in 2004.

54. Despite lacking specific binding regional standards, other regional human rights bodies are nevertheless taking active measures to address internal displacement. For example, recognizing the ongoing internal displacement in its member States, the Committee of Ministers of the Council of Europe adopted recommendation CM/Rec (2006)6, in which it agreed on a set of 13 recommendations regarding internally displaced persons, building on the Guiding Principles and underlining the binding obligations undertaken by member States of the Council. In the context of its response to the crisis in Ukraine, the Council produced a publication entitled *Protecting Internally Displaced Persons under the European Convention on Human Rights and Other Council of Europe Standards: a Handbook*, which offers important guidance on the rights of internally displaced persons and State obligations under Council of Europe and international standards.

55. In addition, OSCE has recognized the Guiding Principles as a useful framework for its work and the endeavours of participating States in dealing with internal displacement, including in its general provisions on internally displaced persons.[13] OSCE has actively encouraged compliance with the Guiding Principles by its member States, frequently citing them, including in the context of its work in Azerbaijan, Bosnia and Herzegovina, Georgia and Ukraine.

56. The Organization of American States has also called upon its members to develop legislation and national policies on internal displacement in line with international standards.[14] In 2012, to respond better to the multiple challenges of human mobility in the region, the Inter-American Commission on Human Rights amended the mandate of the Rapporteur on migrant workers and members of their families, established in 1996, renaming it as the Rapporteur on the rights of migrants and including in the mandate the requirement that specific attention be paid to internally displaced persons.

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[12] See UNHCR and the Internal Displacement Monitoring Centre, "Regulatory frameworks on internal displacement: global, regional and national developments", available at www.internal-displacement.org/assets/publications/2016/UNHCR-GPC-Reg-Framework-IDP.pdf.

[13] See http://bit.ly/2u318LL.

[14] See resolution 2667 (XLI-O/11), 7 June 2011, available at www.oas.org/dil/esp/AG-RES_2667_XLI-O-11_esp.pdf.

57. As testament to its concern over internal displacement, in 2015 the Inter-American Commission published a report entitled Human Mobility: Inter-American Standards.[15] The Inter-American Court of Human Rights emphasized the relevance of the Guiding Principles and the fact that many of them illuminate the reach and content of article 22 of the American Convention on Human Rights relating to freedom of movement and residence in the context of forced displacement. The Commission has taken action, including granting precautionary measure to protect the lives and personal integrity of some forcibly displaced person in countries such as Colombia and El Salvador. In February 2018, the Special Rapporteur joined a public hearing on internal displacement in the Americas organized by the Commission at the request of the national human rights institutions in the region.

58. Despite valuable regional initiatives, the Special Rapporteur considers that the attention paid to internal displacement by regional bodies could be significantly strengthened. She notes a tendency to rely on existing human rights norms, such as the right to property, a home and family life, freedom of movement and residence, and protection from discrimination, which, while applying equally to internally displaced persons, do not fully capture or appropriately respond to their particular situations, vulnerability and human rights challenges. Articulation of regional standards, such as the Kampala Convention, essentially sets such rights explicitly in the context of internal displacement and provides greater guidance for rights holders and duty bearers regarding human rights protection and for solutions to be found.

59. The Special Rapporteur encourages regional human rights organizations and other regional bodies to commemorate the twentieth anniversary by raising awareness of the Guiding Principles at the regional level and among States. She hopes that activities will inspire awareness of and encourage attention to be paid to internal displacement and consideration of responses that are appropriate to unique national and regional contexts. Such activities may include commemorative events, conferences or expert workshops, convened by regional human rights bodies, to bring together stakeholders to discuss internal displacement challenges, including those relating to such factors as climate change or slow-onset disasters that have regional dimensions and implications.

VI. The role of the United Nations and the international community

A. Promoting enhanced, immediate and joined-up action to effectively reduce internal displacement

60. The messages of "leave no one behind" and "reach the furthest behind first", have been central to the vision of the United Nations and the international community as it has shaped global processes such as the new era of the Sustainable Development Goals and targets and the Agenda for Humanity. It is clear that internally displaced persons are both some of the furthest behind and among those at most risk of being left even further behind by development policies that do not include them. In fact, the message and call for action in the present report and in the context of the twentieth anniversary of the Guiding Principles, also follow a similar call for action in the Agenda for Humanity, in which Member States and international organizations are explicitly urged to take action to reduce internal displacement by 2030 in a safe and dignified manner.

61. Equally, in the context of the Sustainable Development Goals, it has been explicitly recognized that internally displaced persons constitute a category of the most vulnerable people requiring particular attention and specific action to ensure that they are not left behind by development action. Despite the lack of a Goal or target relating to internal displacement, that vital recognition should ensure that States give the necessary attention to internally displaced persons as they shape their own national targets and strategies to achieve the Goals. Indeed, understanding internal displacement not only as a humanitarian

[15] Available at www.oas.org/en/iachr/reports/pdfs/HumanMobility.pdf.

concern but as a human rights and development priority internationally and at the national level is an essential component of achieving the goal of reducing internal displacement through durable solutions.

62. The Guiding Principles envisage a collective and holistic response to internal displacement that involves Governments as the primary duty bearers and humanitarian and development agencies coming together from the outset of displacement on the basis of collective goals and outcomes. Inspired by the Guiding Principles, the Inter-Agency Standing Committee framework on durable solutions elaborates on the need for development actors and approaches to meet the challenges of internal displacement. Important steps are being taken to achieve the engagement of development actors in practice, while much more remains to be done in that respect and it will be vital to move towards a culture of collective outcomes.

63. The "New Way of Working"[16] was based on the overwhelming message from stakeholders at the World Humanitarian Summit, who identified the need to strengthen humanitarian-development cooperation and overcome long-standing attitudinal, institutional and funding obstacles. Transcending the humanitarian-development divide by working towards collective outcomes was widely supported by donors, non-governmental organizations (NGOs) and crisis-affected States. The New Way of Working frames the work of development and humanitarian actors, along with their national and local counterparts, in support of collective outcomes that reduce risk and vulnerability and serve as instalments toward the achievement of the Sustainable Development Goals.[17] Promoting localized responses and empowering victims and NGOs, as envisaged under the New Way of Working, also has the potential to create new dynamics of support and innovative new recovery initiatives for internally displaced persons.

64. The New Way of Working, as envisaged by the humanitarian and development community in partnership with the United Nations and national authorities, can help to achieve significant progress in meeting the challenge of reducing internal displacement in line with the Guiding Principles. A key element of that change is to engage affected persons differently, for them to be more than passive beneficiaries but rather active agents and partners in their own recovery, building on their existing capacities, skills, resilience and coping mechanisms, and their potential for recovery when empowered to do so. Based on a detailed knowledge of the situation, needs and capacities of internally displaced populations derived from enhanced profiling methodologies, humanitarian and development funds and resources should be employed to support resilience and recovery programmes, and break the cycle of aid dependency.

65. There is a need to better leverage existing international policy agendas and commitments in favour of internally displaced persons. In recent years the issue of internal displacement has featured in several policy agendas and frameworks, including the 2030 Agenda on Sustainable Development, the Sendai Framework for Disaster Risk Reduction 2015–2030, the twenty-first Conference of the Parties to the United Nations Framework Convention on Climate Change, the New Urban Agenda, the New York Declaration for Refugees and Migrants and global compacts on refugees and migrants, and the Secretary-General's agenda on the protection of civilians in armed conflict, among others. However, further impetus is needed to translate the many affirmations and commitments on internally displaced persons made in these forums into concrete progress on the ground and to maintain and enhance the momentum built around these processes.

[16] See www.agendaforhumanity.org/sites/default/files/20170228%20NWoW%2013%20high%20res.pdf.

[17] See www.unocha.org/sites/unocha/files/NWOW%20Booklet%20low%20res.002_0.pdf.

B. Increased use of the Guiding Principles on Internal Displacement by the United Nations system

66. The United Nations system has an important role to play in promoting and advocating for the implementation of all international human rights law and standards, including the Guiding Principles. While they do not constitute treaty or hard law, they are nevertheless universally recognized as the core international standard on internal displacement, based on international human rights and humanitarian law, and consequently should be proactively promoted by the United Nations system.[18] Indeed, as a standard that encompasses human rights, humanitarian and development concerns and actors, there is a unique opportunity for the United Nations system to speak with one voice about the value of the Guiding Principles for the protection of internally displaced persons globally.

67. The Guiding Principles are frequently cited and actively used by United Nations agencies, such as UNHCR, the United Nations Development Programme and the United Nations Children's Fund, which have incorporated them into their policy and operational guidelines with regard to internal displacement and disseminated them among their staff. Equally, the treaty bodies and other human rights mechanisms that monitor the implementation of the human rights conventions by States parties, such as the Human Rights Committee or the Committee on the Rights of the Child, have also referred to the Guiding Principles in their observations to States. The Special Rapporteur welcomes the efforts undertaken in this respect and hopes to maintain and enhance the attention given to the Guiding Principles across the United Nations system in this twentieth anniversary year and beyond.

68. OHCHR is encouraged to strengthen its presence and activities in humanitarian and internal displacement crises and bring much-needed human rights monitoring and implementation expertise to them, including in the context of protection clusters. Its presence and strengthened engagement in the issue of internal displacement would significantly enhance the capacity of the United Nations to address human rights concerns affecting internally displaced persons.

C. Encouraging and facilitating international solidarity and assistance

69. The Special Rapporteur considers that much more can be done to build solidarity across and between States, with the objective of better responding to displacement crises and reducing internal displacement. Numerous States have a vast wealth of experience in dealing with internal displacement that could be of great value to others. Other States need rapid access to technical assistance and would benefit from access to the effective practices of those with experience in all aspects of responding to internal displacement. Some valuable experiences of solidarity and assistance across States have demonstrated the value of such exchanges, including for example the Government of Georgia sharing its experiences with Ukraine to assist the latter in its responses.

D. Continuing and enhancing training for government officials

70. The annual course on the Law on Internal Displacement in San Remo, Italy, is organized by the International Institute for Humanitarian Law in cooperation with the Special Rapporteur and UNHCR. It is designed for government officials and the personnel of NGOs responsible for and dealing with issues relating to internally displaced persons. It responds to the increasing demand for information on and understanding of internal displacement and the applicable law. It includes lectures, case studies, simulations and practical exercises led by experts. Its objectives are to increase understanding of the international norms underpinning the protection of internally displaced persons; encourage

[18] See Walter Kälin, "How hard is soft law? The guiding principles on internal displacement and the need for a normative framework", presentation at the City University of New York Graduate Centre (December 2001).

sharing of experiences regarding international implementation and monitoring mechanisms; promote the use and implementation of the Guiding Principles; and encourage Governments to establish or improve existing legislation and policies.

71. The training has proved to be an important opportunity for advocacy, relationship-building with and between national decision makers and confidence-building. Participants are able to identify the rights of internally displaced persons and the corresponding obligations that Governments and other involved actors have; identify policy needs and gaps for an appropriate response; propose national mechanisms, both for implementing the protection of internally displaced persons and for monitoring; and draw up a national action plan for legislation and policy implementation in accordance with the national framework.

72. Innovative initiatives should be considered to potentially increase the availability and effectiveness of such internal displacement training. New initiatives, based on appropriate funding and resources, could include regional versions of the training course in collaboration with regional organizations such as the African Union or the Inter-American Commission on Human Rights. For example, by utilizing "training of trainers" modalities, a permanent training capacity might be established in different regions. Supported online versions of the training course could also be made available based on distance-learning methodologies, which would make it available to a much wider number of participants in all regions at limited cost.

E. Establishing a resource centre/online resource for the Guiding Principles

73. Providing greater visibility to the Guiding Principles and related resources has been and continues to be a key objective of the mandate of the Special Rapporteur generally and in the particular context of the twentieth anniversary. The Special Rapporteur considers that a dedicated online resource for the Guiding Principles would be valuable in that respect and she will work with key stakeholders to develop such a resource. She envisages that this could function as a "living" rather than static resource that also provides a platform for development and the sharing of information, resources, effective practices and comments with regard to internal displacement.

F. Utilizing the Special Rapporteur as a key partner for States

74. The Special Rapporteur strongly encourages States and other stakeholders to utilize her mandate as a means of assisting them in their responses to internal displacement and to implementing the Guiding Principles. Since its inception, the mandate has conducted over 60 official visits to countries affected by internal displacement in all regions. It has also developed the practice of conducting working and follow-up visits to initiate contact and continue to engage with national authorities, United Nations presences and other stakeholders in countries affected by displacement. In the context of such visits, the mandate has provided detailed analysis and informed recommendations to States and others to help them to implement the Guiding Principles in practice.

75. The Special Rapporteur wishes to continue and strengthen her engagement with States as part of her commitment to being a consistent and valuable partner for them. In that regard, she urges States to respond favourably to her requests to conduct official country visits, which are conducted in a spirit of constructive engagement. She also stands ready to provide technical assistance and advisory services, including in the areas of law and policy, relating to specific requests for assistance by States and other stakeholders.

G. Establishing an international day for the protection of internally displaced persons

76. The Special Rapporteur proposes the establishment of an international day for the protection of internally displaced persons in recognition of their plight globally and the

need for concerted action to prevent and reduce internal displacement. That would enable the United Nations, States affected by displacement and other stakeholders worldwide to organize an annual series of awareness and advocacy events at the international, national and local levels, and encourage the participation of internally displaced persons. Such a day would bring much-needed attention to them, most importantly within national contexts, and help to motivate concrete action on their behalf. Similar to international days on refugees and on migrants, this would also be an important demonstration of the concern about and commitment of the international community to the protection of internally displaced persons and would be a fitting way to mark the twentieth anniversary of the Guiding Principles.

VII. Conclusions

77. **No country is immune from internal displacement and all can be directly or indirectly affected by it, as evidenced by the number of affected countries in 2018. The Guiding Principles are more important than ever in helping to prevent and reduce internal displacement and in guiding and informing national and collective responses to it. It is clear that action is required at all levels to reduce internal displacement and protect against it. All States should be aware of and, where necessary, actively implementing the Guiding Principles and the tools that it has inspired, including in a preventative capacity. New and evolving challenges of displacement caused by the adverse effects of climate change, slow-onset disasters or development mean that ever more communities are exposed to internal displacement and more countries and regions must build the capacity to respond.**

78. **As the international community focuses much needed attention on refugees and migrants in the context of the global compacts, it is essential that it also significantly enhances the attention it pays to reducing internal displacement in line with the Guiding Principles, recognizing that preventing internal displacement, enhancing protection and achieving durable solutions for internally displaced persons can also help to meet some of the challenges linked to cross-border population movement. This can be done, not by restricting freedom of movement, violating the right of people to claim asylum, or strengthening border or immigration controls, but rather by delivering real and effective progress towards the recovery of internally displaced persons, returning essential dignity to them and offering hope for the future in their country of origin. The Guiding Principles provide a framework for those vital elements to be realized in practice with benefits for all.**

79. **The Guiding Principles are vital to helping to forge a common global agenda to reduce internal displacement, which is currently missing. That must be based on international, regional and national recognition of the immense challenges of internal displacement and an understanding that implementing the Guiding Principles and ensuring the rights of internally displaced persons can help to overcome them. States, as primary duty bearers, must incorporate them domestically and implement them based on national and specific displacement contexts. However, it must be recognized that they constitute a minimum standard and should be adhered to in good faith and with the highest priority given to fulfilling human rights and achieving durable solutions.**

80. **Implementation of the Guiding Principles not only benefits internally displaced persons, it works for the benefit of the wider society and can be an important component of conflict resolution, social cohesion, stability and peacebuilding initiatives. Violence and the resulting internal displacement can cleave societies along ethnic, religious or other identity lines, creating or enhancing divisions, as some communities are forced from their homes. Where internally displaced persons are provided with appropriate durable solutions and included in post-conflict processes, tensions and grievances are less likely to grow. The Guiding Principles can be an important component of transitional justice processes aimed at healing the wounds of States or regions affected by conflict.**

81. **Political will, leadership and good governance at all levels, including what is needed to prevent and stop conflicts, are essential components in reducing internal displacement and implementing the Guiding Principles. Without such a commitment to action, the numbers of internally displaced persons will continue to rise inexorably in all regions and the internal displacement crisis will deepen and extend. Numerous States have shown the necessary vision and demonstrated such leadership and good governance in their responses to internal displacement. Their examples should be highlighted in this anniversary year and demonstrate that national authorities who adhere to the Guiding Principle, are able to heal and include all in society — truly leaving no internally displaced person behind.**

VIII. Recommendations

82. **The Special Rapporteur makes the following recommendations to States, particularly those affected by internal displacement. On the occasion of the twentieth anniversary of the Guiding Principles on Internal Displacement, States should undertake national level activities and initiatives to enhance protection for internally displaced persons and prevent and resolve internal displacement. Such activities may include:**

(a) **Reviewing national legal, policy and institutional frameworks to assess their functions, progress and achievements against the Guiding Principles on internal displacement;**

(b) **Ensuring that internally displaced persons are included in all relevant decision-making and national processes, including in relation to the Sustainable Development Goals;**

(c) **Initiating a national action plan for internally displaced persons with the objective of achieving durable solutions within established time frames;**

(d) **Ensuring that internal displacement issues are addressed in national and local development plans;**

(e) **Undertaking a programme of consultations and participatory measures to review the situation, needs and expectation of internally displaced persons;**

(f) **Convening conferences, seminars and other platforms, in collaboration with civil society and other national and international stakeholders, for local and national dialogue, including the full participation of internally displaced persons;**

(g) **Undertaking awareness-raising and promotional campaigns relating to the human rights of internally displaced persons;**

(h) **Making or renewing national commitments to achieving durable solutions for internally displaced persons, including for those in situations of protracted displacement;**

(i) **Considering preparatory, early warning and risk management processes and mechanisms relating to internal displacement;**

(j) **Considering inviting the Special Rapporteur to conduct an official visit to engage in dialogue on internal displacement challenges;**

(k) **Translating the Guiding Principles into national and local or minority languages;**

(l) **Undertaking the training of relevant officials on internal displacement;**

(m) **Contributing to regional activities and solidarity and experience-sharing initiatives aimed at sharing effective practices in response to internal displacement;**

(n) **Establishing a national day for internally displaced persons.**

83. **The United Nations and the international and donor community should:**

(a) **Designate an international day for internally displaced persons in recognition of their plight and the global challenges they present and as an expression of dedication to addressing and resolving all internal displacement situations and supporting affected States;**

(b) **Continue to give the necessary attention to the situation of internally displaced persons, including in the context of the global compacts on migrants and refugees;**

(c) **Ensure that internally displaced persons are fully taken into account in international policy development, including that relating to the New Way of Working in the context of humanitarian and development responses to crises;**

(d) **Commit to increasing the funding and resources available to humanitarian and development responses to internal displacement across all humanitarian sectors, including early recovery;**

(e) **Consider convening a high-level international conference or similar global event focused on internal displacement, in recognition of the crisis affecting all regions and the likelihood of increased internal displacement due to the future impact of such factors as climate change and slow-onset disasters;**

(f) **Establish, potentially under the auspices of the Special Rapporteur, a platform for solidarity of States affected by internal displacement;**

(g) **Develop and maintain an online resource dedicated to internal displacement including relevant law, policy, tools and guidelines, and examples of good practices.**

84. **Civil society organizations and associations of internally displaced persons should be encouraged and supported to participate in the promotion of activities assisting internally displaced persons based on the Guiding Principles.**

85. **National human rights institutions should enhance their awareness-raising and human rights monitoring activities, including with internally displaced persons.**

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Report of the Independent Expert on human rights and international solidarity*

Note by the Secretariat

This is the first report prepared by Obiora Chinedu Okafor in his capacity as Independent Expert on human rights and international solidarity. In the report, submitted pursuant to Human Rights Council resolution 35/3, the Independent Expert sets out his vision for the mandate, summarizes the work undertaken so far by his predecessors, outlines his objectives and methods of work, and discusses possible thematic priorities for the mandate.

* The Independent Expert is grateful to the Osgoode Hall Law School of York University, Toronto, Canada, and to the Nathanson Centre on Transnational Human Rights, Crime and Security at the same university, for their assistance in the preparation of the report.

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I. Introduction

1. In the present report, presented pursuant to Human Rights Council resolution 35/3, the Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor, summarizes the work undertaken by his predecessors, outlines his activities since his appointment, sets out his objectives and his work plan, and discusses his possible thematic priorities.

2. The report is structured into eight sections. After a short introduction, a brief contextual background on the mandate is offered, followed by a short discussion on the nature of the mandate. The work undertaken by the previous mandate holders is described in section III. The activities of the current mandate holder since the last reporting cycle are described in section IV. The Independent Expert's goals and objectives for the mandate are outlined in section V. The methods of work that the Independent Expert intends to employ in the discharge of his mandate are presented in section VI. Possible thematic priorities that the Independent Expert may address during the term of his mandate are identified in section VII. Finally, some concluding remarks are offered in section VIII, including on the necessity for continued stakeholder cooperation with the mandate.

3. The Independent Expert would like to express his profound gratitude to the previous mandate holders for the extensive work undertaken since the establishment of the mandate in 2005. His vision for the mandate flows from, and builds on, the commendable work done by his predecessors.

4. While stressing that the processes of promoting and protecting human rights should be in conformity with the purposes and principles of the Charter of the United Nations, the Human Rights Council, in establishing the mandate of the Independent Expert, also recognized that inadequate attention has thus far been paid to the importance of international solidarity to the fuller realization of human rights, including the right to development and economic, social and cultural rights, as well as to its centrality to the effective implementation of the 2030 Agenda for Sustainable Development.[1] The Independent Expert views the provision of advice to the Human Rights Council on the ways and means of markedly reducing this attention deficit as one of a number of key aspects of his mandate — especially in relation to issues such as climate change mitigation and adaptation, the just and effective management of migration and refugee flows, the reduction or even elimination of the very well-known ills associated with illicit financial flows and tax havens, and a number of other shared global challenges described in more detail in the present report.

5. In discharging his mandate, the Independent Expert recognizes the need to take into account the views of (international) non-State actors and stakeholders, as key drivers of the effort to promote and protect human rights and as intermediaries for rights holders around the world. This recognition is reflected in his vision for the mandate and his proposed thematic priorities.

II. Background information on the mandate

6. The mandate of the Independent Expert on human rights and international solidarity was created in 2005 by the Commission on Human Rights, via its resolution 2005/55, for a period of three years. In 2008, the mandate was extended by the successor to the Commission, the Human Rights Council, via its resolution 7/5, also for a three-year period. In 2011, the Council extended the mandate for a further three-year period via its resolution 17/6. A similar three-year extension was mandated by the Council in 2014, via its resolution 26/6. In 2017, the Council passed resolution 35/3, which reaffirmed all its previous resolutions regarding the mandate. It was on the basis of this last resolution that the current mandate holder was appointed.

[1] Human Rights Council resolution 35/3

7. The resolutions establishing and governing the mandate show that it was created for the following purposes:

(a) To study the issue of human rights and international solidarity and prepare a draft declaration on the right of peoples and individuals to international solidarity;[2]

(b) To seek views and contributions from Governments, United Nations agencies, other relevant organizations and non-governmental organizations in the discharge of the mandate, and to take into account the outcomes of all major United Nations and other global surveys and ministerial meetings in the economic, social and climate fields;[3]

(c) To promote the realization of the right of peoples and individuals to international solidarity, including through the further development of guidelines, standards, norms and principles enhancing the enjoyment of this fundamental right; the adoption of measures at the regional and international levels to promote and consolidate international assistance to developing countries in their endeavours in development; and the promotion of conditions that make the full realization of all human rights possible;[4]

(d) To examine ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity;[5]

(e) To make recommendations on possible steps to be taken with a view to attaining progressively the full realization of the right of peoples and individuals to international solidarity, and to make suggestions designed to address the increasing challenges of international cooperation;[6]

(f) To work in close cooperation with all States, intergovernmental and non-governmental organizations, and other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, to mainstream fully the effective realization of the right of peoples and individuals to international solidarity in the activities of the United Nations;[7]

(g) To continue participating in and contributing to relevant international conferences and events with the aim of promoting the realization of the right of peoples and individuals to international solidarity;[8]

(h) To continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues;[9]

(i) To report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work.[10]

III. A brief history of the mandate

8. Since its establishment in 2005, the mandate of the Independent Expert has promoted human rights and international solidarity around the world, contributed to the global dialogue around international cooperation and international solidarity, and conducted several country visits with a view to exploring the ways in which international solidarity

[2] Commission on Human Rights resolution 2005/55, para. 7.
[3] Ibid., para. 8; and Human Rights Council resolutions 7/5, para. 1 (b); and 35/3, para. 13.
[4] Human Rights Council resolutions 7/5, para. 1 (a); and 17/6, para. 1 (a).
[5] Human Rights Council resolutions 7/5, para. 1 (c); and 17/6, para. 1 (c).
[6] Human Rights Council resolutions 7/5, para. 1 (d); and 17/6, para. 1 (d).
[7] Human Rights Council resolutions 7/5, para. 1 (e); and 17/6, para. 1 (e).
[8] Human Rights Council resolutions 7/5, para. 1 (f); and 17/6, para. 1 (f).
[9] Human Rights Council resolutions 26/6, para. 9; and 35/3, para. 11.
[10] Human Rights Council resolutions 26/6, para. 13; and 35/3, para. 14.

and human rights manifest themselves in State practice. The predecessors of the current mandate holder carried out visits to Brazil, Morocco, Norway and Cuba.[11]

9. Thus far, the mandate has largely been invested in the process of discussing, preparing and submitting the draft declaration on the right to international solidarity, a process that was outlined in phases by the former Independent Expert, Virginia Dandan.

10. The "first phase" of the process began in 2004 with the submission of a working paper on human rights and international solidarity to the then Sub-Commission on the Promotion and Protection of Human Rights of the Commission on Human Rights by one of its members, Rui Baltazar dos Santos Alves. This first phase continued with the work of the first Independent Expert on human rights and international solidarity, Rudi Muhammad Rizki, who gathered ideas on the theme of the mandate from States, United Nations agencies, other international bodies, regional organizations and civil society, and drew on those ideas to identify elements of a conceptual and normative framework of human rights and international solidarity.

11. With the appointment of Virginia Dandan as the second Independent Expert, in 2011, the "second phase" of the mandate began, and it involved an in-depth examination of the relevant issues, principles, standards and norms that would shift the focus from the principle of international solidarity to the right to international solidarity.

12. Subsequently, Ms. Dandan moved on to the "third phase", which involved consolidating and analysing the results of the previous two stages; writing and circulating a preliminary text of the draft declaration, for consultation; consolidating additional comments and inputs that were received; and finalizing the initial draft declaration for submission to the Human Rights Council.

13. The draft declaration on the right to international solidarity was submitted as an annex to Ms. Dandan's last report to the Human Rights Council,[12] and presented to the world and all relevant stakeholders. The document is the result of years of research and thoughtful consideration by previous mandate holders, as well as significant input from States, civil society and leading scholars. In the view of the current Independent Expert, the draft declaration "is an extraordinary document, which presents a genuine practical tool for the expansion of international solidarity and human rights around the world, with the ultimate goal of realizing what was promised by the Universal Declaration of Human Rights: a social and international order in which all human rights and fundamental freedoms can be realized".[13]

14. Furthermore, the draft declaration recognizes that international solidarity underlies the duty of States to cooperate with one another in accordance with the Charter of the United Nations, and is reflected in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, as well as throughout international law.

15. The draft declaration provides a definition of international solidarity as the expression of a spirit of unity among individuals, peoples, States and international organizations, encompassing the union of interests, purposes and actions and the recognition of different needs and rights to achieve common goals. The components of international solidarity are identified as preventive solidarity, through which stakeholders act to proactively address shared challenges; reactive solidarity, or collective actions of the international community to respond to situations of crisis; and international cooperation. The draft declaration provides concrete guidance to States and other stakeholders on how they must act in order to make this principle a reality and to fulfil their human rights obligations.

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[11] See A/HRC/23/45/Add.1, A/HRC/32/43/Add.1, A/HRC/35/35/Add.1 and A/HRC/38/40/Add.1.

[12] See A/HRC/35/35.

[13] Statement delivered at the seventy-second session of the General Assembly, on 17 October 2017.

IV. Activities of the Independent Expert

A. Reporting

16. Since his appointment by the Human Rights Council in June 2017, the Independent Expert has participated in several activities falling within the scope of his mandate.

17. On 17 October 2017, the Independent Expert addressed the General Assembly at its seventy-second session, for the first time in his official capacity as mandate holder. After acknowledging and giving an overview of the extensive work undertaken by his predecessors, he presented the report prepared by his immediate predecessor, Ms. Dandan, which analyses the applicability of the principles contained in the draft declaration to the accomplishment of Sustainable Development Goal 17. He called on Member States to incorporate the vision contained in the draft declaration in their efforts to implement the 2030 Agenda for Sustainable Development in order to create a true global partnership and genuinely sustainable development. He also informed the General Assembly that he would continue the work undertaken by his predecessors on promoting the importance of international solidarity for achievement of the 2030 Agenda and the fulfilment of human rights.

B. Participation in conferences and consultations

18. From 4 to 6 December 2017, the Independent Expert attended the stocktaking conference on the global compact for safe, orderly and regular migration, which was held in Puerto Vallarta, Mexico. The Independent Expert intervened twice during the conference, once in a breakout session or "action group" on the community dimension of migration, and once during a plenary session on follow-up and implementation. His comments were well received, particularly his comments in the plenary, which emphasized incorporating human rights data into an accountability mechanism for the global compact.

C. Other activities

19. Since the beginning of his tenure, the Independent Expert has participated in joint communications written to Governments. The communications have concerned a wide range of subjects falling within his mandate, including the intersection of migration and international solidarity. The Independent Expert has also issued joint press releases and media statements with other mandate holders, treaty bodies and regional mechanisms. The statements and press releases have concerned international solidarity as it relates to issues such as climate change and environmental rights, the right to development, and migration.

V. Goals and objectives

20. Building on the work of previous mandate holders and in line with the above-mentioned resolutions 2005/55 (of 2005), 7/5 (of 2008), 17/6 (of 2011), 26/6 (of 2014) and 35/3 (of 2017), the main goals and objectives sought to be achieved by the current mandate holder include the following:

(a) Building greater consensus on the theme of the mandate among States and other stakeholders, including by showing how greater enjoyment of human rights-based international solidarity would most likely benefit all States and all peoples in every region of the world;

(b) More effort to demonstrate the deep interconnections between human rights-based international solidarity and many key international relations issues, and showing even more robustly how the enjoyment of such solidarity is central to the effective management of many such issues of great global concern;

(c) Identifying, mapping, accounting for and analysing any State practice and *opinio juris* that may exist (or may have existed) in relation to the right to international solidarity that is contained in the draft declaration;

(d) Deepening communication with States, civil society and other stakeholders on the mandate and on the draft declaration on the right to international solidarity;

(e) Fostering greater visibility of the mandate and of the work of the mandate holder.

VI. Methods of work

21. The Independent Expert believes that the achievement of his key goals and objectives will require the adoption of a well-conceived and suitable work plan. In this regard, he intends to utilize the following methods of work.

A. Continuing consultations with all relevant stakeholders

22. The Independent Expert intends to continue the well-established and Council-mandated practice of undertaking regular consultations and dialogue with the relevant stakeholders. This group will continue to include the Human Rights Council (including its subsidiary bodies and special procedure mandate holders), States, civil society, political groups and relevant international and regional organizations, as well as academics and other relevant stakeholders. The consultations will provide opportunities to exchange views and ideas, including on the thematic priorities discussed below, between the Independent Expert and the stakeholders. The consultations will also play a key role in the process of building greater consensus about the goals of the mandate and the recommendations made by the mandate holder.

B. Country visits

23. The current mandate holder intends to undertake country visits, respecting as far as possible the principle of geographical distribution in the conduct of such visits, as a key method to help him build and maintain consensus on the objectives and activities of the mandate, and in relation to the recommendations of the mandate holder. The country visits will also serve the important function of helping to promote the draft declaration. These visits will also provide another avenue for even more constructive engagement with States, civil society, and other actors within the countries visited. Furthermore, the Independent Expert is of the opinion that such visits will be essential in order to gather more evidence and build greater understanding regarding State practice and *opinio juris* on international solidarity.

24. The Independent Expert has thus far requested invitations from the relevant Governments to visit the following countries: Indonesia, Malawi, the Netherlands, the Republic of Korea, South Africa, Sweden and the United Republic of Tanzania. The Independent Expert thanks the Governments of Sweden and the Netherlands, which have already agreed to his requests, and hopes that the other countries will soon respond favourably to his proposal.

C. Other types of research to document State practice and *opinio juris*

25. Given the Independent Expert's goal of identifying and analysing any State practice and *opinio juris* that may exist in relation to the right to international solidarity as contained in the draft declaration, he intends — in addition to undertaking country visits as a means to this end — to conduct primary and secondary documentary research aimed at documenting any State practice and *opinio juris* on human rights-based international solidarity that exists around the world.

D. Enhanced outreach to the media and society for greater visibility of the mandate, in order to strengthen and promote international solidarity

26. The Independent Expert believes in the importance of greater media and societal awareness and visibility for the mandate, given the importance of international solidarity in the fulfilment of human rights. As such, while being mindful of the need for special procedure mandate holders to be independent, the Independent Expert intends to reach out in as constructive a way as possible to high-profile persons, media organizations and other relevant stakeholders, with a view to leveraging their high visibility to achieve greater awareness and visibility for the pressing issue of the inadequacy of expressions of human rights-based international solidarity. He hopes that such outreach will help create a more supportive global sociopolitical environment within which the key goals of the mandate can be pursued.

E. Greater engagement with other United Nations bodies and other international institutions

27. The Independent Expert is mindful that Commission on Human Rights resolution 2005/55 requires him to take into account the outcomes of all major United Nations and other global summits and ministerial meetings and to seek views and contributions from United Nations agencies and other relevant international organizations in the execution of his mandate.

28. The Independent Expert has therefore prioritized an even greater degree of engagement with international institutions in his work plan. In that context, the Independent Expert met with relevant officials of the United Nations Development Programme in October 2017 in New York and of the Office of the United Nations High Commissioner for Refugees in November 2017 in Geneva, and participated in the preparatory (stocktaking) meeting of the intergovernmental conference to adopt the global compact for safe, orderly and regular migration, in Puerto Vallarta, Mexico in December 2017.

F. Continued engagement with civil society

29. The Independent Expert considers engagement with civil society, as advocates of social change, to be crucial to the effective execution of his mandate. As such, he intends to undertake even more robust engagement with both international and local civil society groups both within and beyond the framework of his country visits and his visits to the Human Rights Council in Geneva and the General Assembly in New York. Indeed, while he was in New York in October 2017 to address the General Assembly and during his visit to Geneva in November 2017 to attend the induction course for newly appointed special procedure mandate holders, he met and had fruitful exchanges with several representatives of civil society.

G. Enhanced coordination with other special procedure mandate holders

30. The Independent Expert recognizes the interconnectedness between his mandate and the mandates of other special procedures. While mindful of the importance of preserving the independence and the scope of his mandate, the Independent Expert has engaged and worked with the other mandate holders, especially those whose responsibilities relate closely to the thematic priorities discussed in section V of the present report. He intends to continue to do so. The engagement envisaged would be aimed at identifying possible areas of cooperation between the Independent Expert and the other mandate holders, to add value to each other's work.

H. Wide dissemination of best practices and recommendations to improve in areas of concern

31. Many States, civil society groups and other stakeholders have initiated and undertaken good practices in relation to human rights-based international solidarity. The Independent Expert will disseminate such good practices as widely as possible in order to help shape the normative environment in the mandate area in an even more positive way, and help guide other stakeholders in their own thought and action, and thus contribute in a significant way to the enhancement of human rights-based international solidarity.

32. At the same time, some stakeholders have, wittingly or not, engaged in practices that are decidedly not to be admired or followed from a standpoint of human rights-based international solidarity. The Independent Expert expects to dedicate a significant amount of attention during his tenure as mandate holder to identifying, analysing and issuing practical recommendations to improve in such areas of concern, to the same ends that are discussed in the paragraph above.

VII. Thematic priorities

33. During his tenure, the Independent Expert expects to focus on several thematic priorities, which are briefly developed below. While the Independent Expert wishes to emphasize that he is mindful that some of these thematic priorities are related to other special procedures mandates, it is important to note here that he only intends to address the conceptual and practical zones where these themes interface and interact with human rights-based international solidarity, in line with his mandate. For the Independent Expert, the expression of human rights-based international solidarity, and the enjoyment of the right of peoples and individuals to such solidarity, are essential to the amelioration, management, and even resolution of many of the key human rights issues that currently confront us as a global society. The Independent Expert wishes to emphasize, however, that other thematic areas may be added to this list throughout his mandate and based on developments in global affairs.

A. Migration and international solidarity

34. One of the thematic priorities of the Independent Expert is the intersection of international solidarity with our current (albeit historically enduring) human migration challenge. The Independent Expert will analyse the role of human rights-based international solidarity in addressing some of the key migration-related concerns and issues of our time. To that end, the Independent Expert intends to address issues such as the identity, the practices, the normative compasses and the motivating ideals of the countries that have manifested more solidarity than is usually the case towards migrants during the recently highlighted mass migration episodes around the world; the question of the compliance under international human rights law of the criminalization of individuals and groups (especially human rights activists) who show solidarity to migrants; and the uses and abuses of the concept and practice of international solidarity in the area of migration. An important goal here will be to assist the Human Rights Council and other United Nations bodies in their efforts to contribute to the formulation of a better framework for dealing with our global migration challenge — one that can more equitably balance the perceived pressures faced by States with the imperative of respecting the human rights of migrants. In that regard, the Independent Expert will follow closely the ongoing discussions and negotiations around the global compact for migration that are expected to take place throughout 2018.

B. Refugees and international solidarity

35. A second, if related, key area that interacts very closely with human rights-based international solidarity is the treatment of refugees and asylum seekers around the world. The outflow of refugees from their countries of origin continues to pose a challenge to

many States, as well as to the international community as a whole. The distribution of these refugees remains very uneven, creating a greater burden on certain States. For example, countries in Africa and the Middle East, many of which lack adequate resources to do so, currently host over 56 per cent of the world's displaced people.[14] As such, any viable and just refugee protection regime must, for this and other reasons, be founded on enhanced human rights-based international solidarity.

36. The Independent Expert will analyse the role of human rights-based international solidarity in addressing some of the key refugee-related concerns and issues that presently confront many States and the international community. Therefore, he intends to address and report on issues such as: (a) the human rights-based solidarity deficits of certain kinds of State partnerships in the refugee area; (b) ways and means of augmenting significantly the human rights-based solidarity that other States and actors show to the States that host large numbers of refugees; (c) the question of the compliance under international human rights law of the criminalization of individuals and groups (especially human rights activists) who show solidarity to refugees and asylum seekers; (d) human rights-based solidarity deficits in the current responsibility-sharing frameworks and practices; (e) the possibility of significant increases in the numbers of visas issued to refugees by the more popular destination States; (f) the phenomenon of conditionalized aid linked to the signing of refugee readmission agreements; and (g) uses and abuses of the concept and practice of international solidarity in the refugee rights area.

C. Climate change and international solidarity

37. The Independent Expert is of the opinion that the challenges presented by climate change, and its adverse consequences for humanity and the environment, are issues that greatly concern States and the international community as a whole. Collective action on the part of both international and local actors is clearly required if this inherently global problem is to be addressed effectively. The Declaration of the United Nations Conference on the Human Environment, proclaimed in Stockholm in 1972, recognized "the need for a common outlook and for common principles to inspire and guide the peoples of the world".[15] Further, the Rio Declaration on Environment and Development, of 1992, stresses the nexus between cooperation among States and sustainable development; and firmly enshrined in the international law of climate change is the principle of "common but differentiated responsibilities" — the idea that each State bears different responsibilities because of its varied contribution to environmental degradation, but that all share a need to act to counter those harms.[16] These multilateral instruments call for international cooperation "in a spirit of global partnership" geared towards conservation and protection of the Earth's ecosystem. Clearly, this is an issue that interfaces and interacts very closely with human rights-based international solidarity.

38. The Independent Expert will study and comment and report on a number of issues that come under the rubric of climate change and international solidarity, including the following: (a) equity in the emerging climate finance framework (e.g. Should the most vulnerable climate change-affected countries get the most funds?); (b) the nexus between climate finance and the progressive realization of economic, social and cultural rights for everyone in the world; and (c) the question of common but differentiated responsibilities in the climate change area as a basis for international solidarity in this area. This work will be particularly relevant in the context of future iterations of the Conference of Parties to the United Nations Framework Convention on Climate Change. It is also relevant in the context of the broader effort to implement the Paris Agreement on climate change.

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[14] Office of the United Nations High Commissioner for Refugees, "Figures at a glance", available at www.unhcr.org/figures-at-a-glance.html.

[15] See A/CONF.48/14/Rev.1, preamble to the Declaration.

[16] See A/CONF.151/26/Rev.1 (Vol. I), principle 7.

D. Extraterritorial human rights obligations and international solidarity

39. The Independent Expert believes that the issue of whether or not the human rights obligations assumed by States or other actors (as a consequence of the entry into force of various human rights treaties and the adoption of other human rights instruments) apply outside the boundaries of such States — i.e. whether a given State is duty bound as a result to respect such obligations beyond its borders — is a highly consequential one for the effort to realize human rights in as full a measure as possible the world over.

40. The ways in which this question of extraterritoriality intersects and interacts with human rights-based international solidarity is as important an issue, at least from the perspective of this mandate. For example, will the effort to ensure the enjoyment by all of the right of peoples and individuals to human rights-based international solidarity require States to protect, respect, fulfil and otherwise implement their international human rights obligations extraterritorially — at least some of the time? What, if any, will the problems with adopting a positive or negative answer to this question be? What are the limits of extraterritorial human rights obligations, especially in the context of State sovereignty and State vulnerabilities? Is it possible that human rights-based international solidarity can be achieved without an understanding of human rights obligations as having an extraterritorial dimension? These are the kinds of questions that the Independent Expert intends to study and discuss in a thematic report dedicated to this issue.

E. Civil society and international solidarity

41. The significant role played by civil society as agents of sociopolitical and economic change within both States and the international system is now very well acknowledged.[17] These actors help to shape public opinion, drive policies, legitimize or delegitimize certain agents and forms of governance and push for social reform. They also tend to express solidarity with each other, and with individuals, groups and communities, both within and across the boundaries of the States in which they are located.

42. Against this background, the Independent Expert considers that it is important to study, comment on and report on the normative framework and conceptual apparatus that undergirds such expressions of human rights-based international solidarity by civil society groups; the ways in which civil society groups express human rights-based international solidarity; and the means through which this is done. The Independent Expert will also analyse the specific difficulties that these groups face when they attempt to express such solidarity, and any best practices that may be identified regarding the reaction of other actors to expressions of this type of solidarity. Further, he will explore the manner in which cross-border solidarity between civil society groups may be mobilized in a manner that is contrary to the fulfilment of human rights, drawing examples from populist movements around the world and from the global backlash against women's and other minorities' rights.

F. Global citizenship and international solidarity

43. Against the background of the specific kind of globalization that now characterizes international sociopolitical and economic life, some authors have suggested — perhaps rather too optimistically as yet — that we now live in a "global neighbourhood".[18] Regardless of the accuracy of this claim, it is clear that our globe is now more interconnected and integrated than it has even been in the past. What then are the implications of this undeniably greater global social integration for the conception of

[17] See, in particular, some reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, such as A/HRC/35/28 (para. 2) and A/HRC/32/36, as well as the report of the Special Rapporteur in the field of cultural rights, A/HRC/34/56 (paras. 21 and 36).

[18] Commission on Global Governance, *Our Global Neighbourhood: The Report of the Commission on Global Governance* (Oxford, Oxford University Press, 1995).

citizenship that currently holds sway? If the idea of global citizenship is not a valid representation of our current reality, is it a worthy near- to mid-term ideal? What is its relationship to human rights-based international solidarity and the right of peoples and individuals to international solidarity as stated in the draft declaration? Does adherence to these imperatives require us to forge and author one form or another of global citizenship, or are these imperatives necessary consequences of a kind of global citizenship that we already enjoy, however limited and uneven? These are some of the questions that the Independent Expert intends to address and report on during his tenure.

G. South-South cooperation as international solidarity

44. The Independent Expert recalls that, in addition to their participation in other forms of multilateral cooperation, States in the global South have for a very long time, at least since the Bandung Conference of 1955,[19] sought new and innovative ways to address their peculiar social, economic and environmental problems. This has brought about some important changes in the global order.

45. According to the United Nations Office for South-South Cooperation, the key feature of South-South cooperation is that it is "initiated, organized and managed by developing countries themselves".[20] Yet, as the Human Rights Council Advisory Committee has noted, drawing on the work of the United Nations Office for South-South Cooperation: "non-State actors do actively participate".[21]

46. Furthermore, according to the Advisory Committee: "An important goal of this approach to international cooperation is to 'increase the quantity and enhance the quality of international development cooperation'. And a key benefit of this form of cooperation is the 'use of experience and capacity that already exists and the development of new capacities in developing countries'. A second benefit is that, as is well recognized now, it tends to rankle less and be received better in the receiving country when the 'donor' is a similarly situated country. Another such benefit is that it is often significantly less expensive to execute than other forms of international cooperation."[22] For the Independent Expert, the interconnections between South-South cooperation and human rights-based international solidarity should therefore be obvious.

47. As such, the Independent Expert intends to study and report on the following kinds of questions, some already presaged by the Human Rights Council Advisory Committee: What are the human rights impacts, both positive and negative, of increased South-South cooperation? How can the experience and capacity that already exists within certain countries of the South be deployed, in a spirit of human rights-based solidarity, in other developing countries that are not as endowed in the relevant respect, thereby developing new human rights resource capacities and other positive outcomes in the latter in a less expensive and more effective way?[23] What role, if any, would exist for triangular cooperation in this regard?[24] How can the expertise and legitimacy of non-State actors, particularly civil society organizations, be leveraged to enhance the positive human rights impacts or eliminate any negative human rights impacts from this form of cooperation? The Independent Expert also plans to participate in the second High-level United Nations Conference on South-South Cooperation, in March 2019.

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[19] See Luis Eslava, Michael Fakhri and Vasuki Nesiah, eds., *Bandung, Global History and International Law* (Cambridge, Cambridge University Press, 2017).

[20] See http://unossc1.undp.org/ssceXpo/content/ssc/about/what_is_ssc.htm.

[21] See the preliminary study on the enhancement of international cooperation, available from www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Session12/Pages/Index.aspx.

[22] Ibid.

[23] Ibid., para. 16.

[24] Ibid.

H. Technology and innovation and international solidarity

48. The pervasive influence of technology forces consideration of how international solidarity, in the areas of access to and use of technology and innovation and technical know-how, can facilitate a much fuller realization of human rights universally. The Independent Expert notes a widening gap in access to digital technologies between the North and the South, urban and rural areas, rich and poor, and young persons and older persons. Similarly, the rapid advancement of technologies has begun to affect different categories of employment. Automation and the use of robotics may potentially transform, over the next decades, the ways in which different categories of employment are distributed and result in the loss of several categories of professions, usually comprised of the lower-paid workforce, which in many countries is made up of a significant number of persons from migrant and minority communities, and in which women are often disproportionately represented.

49. The Independent Expert intends to study and report on questions related to these relationships. He will, in particular, consider the future of human rights-based international solidarity and cooperation in the areas of technology transfer (or the lack thereof) and the digital space, highlight the different categories of employment that could be affected by automation and link these with workforce statistics, and show the interconnections between technology, innovation and the change in the digital divide.

I. Cities and local governments as agents of international solidarity

50. Cities and other local institutions and local governments can play an important role in the promotion and implementation of human rights, as well as in the conceptualization and practice of human rights-based international solidarity.

51. The Independent Expert recalls that cities and local institutions tend to be closer to their constituencies and are sometimes more politically progressive and diverse than their counterparts at the national level. This is often the case with large cities and agglomerations. Furthermore, local institutions and local governments are often mandated to deliver services, such as education, housing and health, which are essential for the realization of economic and social rights.

52. The Independent Expert is well aware that many cities and local institutions across the world are increasingly expressing human rights-based solidarity with individuals, groups and communities from or located in other places around the world. For instance, many cities have expressed solidarity with migrants and refugees, including by championing fair policies in relation to such groups, supporting and launching protests, and even defying or undermining some anti-migrant and anti-refugee policies and practices and xenophobic discourses, initiated by their regional or national governments. These "sanctuary cities" have exercised their authority against national governments to express solidarity and protect refugees and migrants.

53. The Independent Expert also notes that while some Governments have withdrawn from certain multilateral agreements related to international cooperation, several cities and local governments have pledged to remain committed to those agreements, in opposition to decisions made by their national authorities. Similarly, some cities and local governments have taken major steps towards reducing their carbon emissions, by investing in and promoting cleaner and renewable energy and otherwise implementing sustainability policies.

54. In the light of the above, the Independent Expert intends to study and report on the role of cities and local governments in promoting and expressing human rights-based international solidarity in regard to a number of important issues, such as climate change, migration, and refugee flows. In doing so, he will assess how the expression of international solidarity by these local institutions presents a new opportunity to advance the promotion and protection of human rights.

J. The threat of populism to the principle of international solidarity

55. The Independent Expert recalls that several other special procedure mandate holders have in their past reports noted with concern the current trend of populism in several countries and regions around the world.[25] While the rise of populist movements is a complex phenomenon, research shows that the factors contributing to a climate conducive to increased acceptance of extremist ideologies include widespread concerns over the global financial and economic crisis, the rise in economic disparities within and between countries, criticism of the globalized economic system, the spread of terrorism, an impression of rising migration flows, and the dissemination of racist ideas.

56. The rise of populism poses significant challenges to vulnerable individuals and groups (in particular migrants, refugees and asylum seekers, persons of African descent, ethnic and religious minorities, and women and girls). These groups are often targeted by nationalist, xenophobic, misogynistic, homophobic and racist rhetoric as scapegoats for the economic hardship being experienced by those who target them. All too often, populist political parties try to gain support and attract voters by capitalizing on the fears of constituents over the financial burdens that may be imposed by migration, and profiting from all-too-often wrong perceptions that foreigners are overrepresented in crime, take resources and jobs away from nationals, pose a threat to national identity, or have religious practices that are incompatible with modern societies. Similarly, the rise in influence of populist ideology, in part through the activities of these anti-migrant and other such movements and groups, also jeopardizes the enjoyment of human rights-based international solidarity. This is because societies in which they operate and exert influence tend, over time, to become more nationalistic and to close themselves off from the principles of international cooperation, development assistance and international human rights law.

57. The Independent Expert intends to address the dangers and challenges of populism and their implications for the enjoyment or otherwise of the right to human rights-based international solidarity. He will analyse the causes of the rise and coming to power of these movements, underscore the responsibility of the State and its institutions as well as of political leaders, trade unions, the media, religious organizations and civil society in countering this worrying trend, and present examples of good practices and measures taken to counter this phenomenon as a way of enhancing the enjoyment of the right to human rights-based international solidarity. These good practices and measures could serve as guidance to Member States.

K. Taxation and international solidarity

58. The Independent Expert is well aware that undue tax avoidance, tax evasion and tax havens tend to fundamentally contradict the principles of international solidarity. As such, they also tend to unduly impede the enjoyment of the rights of peoples and individuals to human rights-based international solidarity. These abusive taxation practices often deprive countries of revenue needed to fulfil their human rights obligations, to alleviate poverty, to redistribute wealth, to improve the administration of justice, to ensure accountability (in particular to victims of human rights violations), to build infrastructure, to create employment, and to provide social welfare, quality health services and education.

59. Several mandate holders,[26] as well as the Human Rights Council Advisory Committee,[27] have outlined the negative effects of the tax abuses committed by domestic and transnational corporations, and the very significant direct and indirect socioeconomic

[25] See, in particular, the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on the implementation of the resolutions on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the most recent reports are A/HRC/35/42 and A/72/291. See also A/HRC/34/57/Add.1 and A/HRC/35/29.

[26] See, in particular, A/71/286, A/HRC/28/60 and A/HRC/26/28.

[27] See A/HRC/36/52 and A/HRC/33/54.

impacts of such activities on the enjoyment of all human rights. Those mandate holders and the Advisory Committee have also advocated for a binding legal instrument on the issue of corporate social responsibility that would stipulate the obligation of domestic and transnational corporations (and even wealthy individuals) to pay taxes where their incomes and profits are generated, and prohibit the shifting of profits to so-called tax havens.

60. The Independent Expert notes the absence of an adequate degree of human rights-based international solidarity among States in the area of taxation — a situation that allows transnational and domestic corporations to legally (if illegitimately) transfer revenues and profits from countries where they are generated to so-called tax havens, where the taxation rate may be significantly lower or even non-existent. A lack of human rights-based international solidarity is also evident in the processes that determine global tax policy, which are dominated by certain States to the exclusion of others. The Independent Expert notes with concern the secrecy surrounding tax haven jurisdictions and encourages Governments to realize the need for a global or international tax instrument to stop the use of such jurisdictions.

61. A thematic report on taxation and international solidarity would study and comment on: (a) the need for fair and just taxation to advance human rights; (b) the reform of fiscal and budgetary policy through the abolishing of tax havens and other such arrangements; (c) the closure of international tax loopholes; (d) the end of secrecy with regard to tax havens; (e) how effective taxation systems can contribute to the implementation of the principles of international solidarity; (f) the enhancement of international cooperation and development; (g) the fostering of the overall economic advancement of developing and other countries; and (h) the fulfilment of the international human rights obligations of States.

L. International solidarity and economic security

62. The Independent Expert notes that globalization has been accompanied by a widening gap between countries from the global North and the global South, and by widespread poverty and inequality (including gender inequality, unemployment, social erosion and environmental risks). The ongoing liberalization of trade and capital (albeit not of migration flows) contributes to the greater interconnectedness and interdependence of individuals and States, which presents challenges, but also offers opportunities for international solidarity to be deployed through international cooperation to promote a fair, inclusive and rights-based international trade and investment regime.

63. The immediate past Independent Expert discussed with interest the Social Protection Floor Initiative, which advocates for a basic set of transfers, either in cash or in kind, to provide a guaranteed minimum income and livelihood security for all by supplying an essential level of goods and social services such as health, water and sanitation, education, food, housing, and life- and asset-saving information, accessible to all.[28]

64. Furthermore, the Independent Expert has been observing the debates occurring in several States over the implementation of a guaranteed or unconditional basic income, in which all citizens (or permanent residents) of a country would receive a regular, liveable and unconditional sum of money, notwithstanding their employment or income status.

65. In this regard, the Independent Expert concurs with the Special Rapporteur on extreme poverty and human rights, who in a recent groundbreaking report[29] argued for the desirability of advocating a basic income approach in an environment of rapidly changing economic and social structures that is resulting in a growing sense of economic insecurity affecting large segments of the population of many societies. This economic insecurity and the growing inequality in distribution of wealth represents a threat to the enjoyment of all human rights, particularly economic and social rights. It also poses as significant a threat to the enjoyment of the right to human rights-based international solidarity.

[28] See A/HRC/29/35.

[29] See A/HRC/35/26.

66. The Independent Expert will explore the ways in which international measures and ideas such as the Social Protection Floor Initiative can influence domestic policy to enhance solidarity within and across borders. He would also be interested in further analysing several of these initiatives at the national level that are exemplary of solidarity and in linking these with the principles of international solidarity as set out in the draft declaration. These examples of good practice could play a role in demonstrating international solidarity and serve as models of cooperation for development. They can do so by providing beneficiaries with access to essential social and economic rights.

VIII. Conclusion

67. **In a world of greatly increased interdependence, with collective problems and challenges that require collective solutions, cooperation between States, founded upon human rights-based international solidarity, is imperative. The Independent Expert believes that such international solidarity must be viewed holistically, as a two-way street, and not merely as a value that flows from the global North to the global South. In this regard, it is worth noting that without human rights-based international solidarity that flows in both directions, no one on our planet, whether based in the global North or the global South, will escape the seriously negative effects of climate change.**

68. **The Independent Expert also wants to reiterate the critical importance of human rights-based international solidarity to the much fuller realization of all human rights universally, including those that are captured in the Sustainable Development Goals.**

69. **Furthermore, the Independent Expert intends to continue promoting the draft declaration on the right to international solidarity, throughout the activities of his mandate.**

70. **The Independent Expert will continue to seek views and contributions from States, United Nations agencies, other relevant international institutions, non-governmental organizations and other stakeholders, in discharging his mandate. The cooperation of these stakeholders will be crucial to successfully addressing the proposed thematic issues discussed above and in other aspects of his mandate.**

71. **The Independent Expert looks forward to a successful working relationship with States, civil society and all other relevant stakeholders.**